

REMARKS

Applicant respectfully request entry of the following amendments and remarks in response to the Office Action mailed April 30, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 24 – 43 are pending. In particular, Applicant adds claim 43 and amends claims 24, 27, and 39 – 41. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §102

A. Claim 24 is Allowable Over *Fletcher*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,363,477 ("*Fletcher*"). Applicant respectfully traverses this rejection on the grounds that *Fletcher* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 24 recites:

A logical port configuration system comprising:
a first communication port configured to send a first request message to a server computing element;
a monitoring component configured to monitor the first communication port for an acknowledgement message from the server computing component; and
a testing component configured to, in response to an acknowledgement message being received, initiate a port test at the first communication port, the port test configured to facilitate interaction between the client computing element and the server computing element,
wherein, during the port test, the server computing element communicatively interacts with the client computing element to discover a port status of the first communication port, the first communication port of the client computing element being associated with an application program operative on the client computing element, ***wherein in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired, and wherein in response to a determination that the timeout***

timer has expired, a second request message is sent to the server computing component, via a secondary communications port.
(Emphasis added).

Applicant respectfully submits that claim 24, as amended, is allowable over the cited art for at least the reason that *Fletcher* fails to disclose, teach, or suggest a “logical port configuration system... ***wherein in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired, and wherein in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port***” as recited in claim 24, as amended. More specifically, *Fletcher* discloses a “network manager [that] activates layered service provider 430 of FIG. 4 to collect the desired performance statistics” (column 14, line 13). However, this is different than “***in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired... [and] in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port***” as recited in claim 24, as amended. For at least this reason, claim 24, as amended, is allowable.

B. Claim 39 is Allowable Over *Fletcher*

The Office Action indicates that claim 39 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,363,477 (“*Fletcher*”). Applicant respectfully traverses this rejection on the grounds that *Fletcher* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 39 recites:

A system for port configuration, comprising:
a processor;
first communication port configured to send a first request message to a server computing element; and
a memory, coupled to the processor, comprising:

monitoring logic configured to monitor the first communication port for an acknowledgement message from the server computing component; and

testing logic configured to, in response to an acknowledgement message being received, initiate a port test at the first communication port, the port test configured to facilitate interaction between the client computing element and the server computing element,

wherein, during the port test, the server computing element communicatively interacts with the client computing element to discover a port status of the first communication port, the first communication port of the client computing element being associated with an application program operative on the client computing element, ***wherein in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired, and wherein in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port.***

(Emphasis added).

Applicant respectfully submits that claim 39, as amended, is allowable over the cited art for at least the reason that *Fletcher* fails to disclose, teach, or suggest a “system for port configuration... ***wherein in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired, and wherein in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port***” as recited in claim 39, as amended. More specifically, *Fletcher* discloses a “network manager [that] activates layered service provider 430 of FIG. 4 to collect the desired performance statistics” (column 14, line 13). However, this is different than “***in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired... [and] in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port***” as recited in claim 39, as amended. For at least this reason, claim 39, as amended, is allowable.

C. Claim 41 is Allowable Over Fletcher

The Office Action indicates that claim 41 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,363,477 ("*Fletcher*"). Applicant respectfully traverses this rejection on the grounds that *Fletcher* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 41 recites:

A method for port configuration, comprising:
sending a first request message to a server computing element;
monitoring the first communication port for an acknowledgement message from the server computing component; and
initiating, in response to an acknowledgement message being received, a port test at the first communication port, the port test configured to facilitate interaction between the client computing element and the server computing element,
wherein, during the port test, the server computing element communicatively interacts with the client computing element to discover a port status of the first communication port, the first communication port of the client computing element being associated with an application program operative on the client computing element, ***wherein in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired, and wherein in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port.***

(Emphasis added).

Applicant respectfully submits that claim 41, as amended, is allowable over the cited art for at least the reason that *Fletcher* fails to disclose, teach, or suggest a "sys method for port configuration... ***wherein in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired, and wherein in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port***" as recited in claim 41, as amended. More specifically, *Fletcher* discloses a "network manager [that]

activates layered service provider 430 of FIG. 4 to collect the desired performance statistics” (column 14, line 13). However, this is different than “***in response to an acknowledgement message not being received, a determination is made whether a timeout timer has expired... [and] in response to a determination that the timeout timer has expired, a second request message is sent to the server computing component, via a secondary communications port***” as recited in claim 41, as amended. For at least this reason, claim 41, as amended, is allowable.

D. Claims 25 – 33, 40, and 42 are Allowable Over Fletcher

The Office Action indicates that claims 25 – 33, 40, and 42 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Number 6,363,477 (“*Fletcher*”). Applicant respectfully traverses this rejection on the grounds that *Fletcher* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 25 – 33 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 24. Dependent claim 40 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 39. Dependent claim 42 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 41. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Rejections Under 35 U.S.C. §103 – Claims 34 – 38 are Allowable Over Fletcher in view of Kung

The Office Action indicates that claims 34 – 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,363,477 (“*Fletcher*”) in view of U.S. Patent Number 6,917,610 (“*Kung*”). Applicant respectfully traverses this rejection for at least the reason that *Fletcher* in view of *Kung* fails to disclose, teach, or suggest all of the elements

of claims 34 – 38. More specifically, dependent claims 34 – 38 are believed to be allowable over *Fletcher* for at least the reason that these claims depend from and include the elements of allowable independent claim 24. Because Kung fails to overcome the deficiencies of *Fletcher*, claims 34 – 38 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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